

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

KATHY L. HINDS,

Plaintiff,

vs.

MCKOWEN FAMILY DENTAL

Defendant.

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Case No.

COMPLAINT

COMES NOW Plaintiff, by and through counsel, and for his Petition, states as follows:

GENERAL ALLEGATIONS

1. Plaintiff is citizen of Springfield, Greene County, Missouri and the United States of America.
2. Defendant, McKowen Family Dental (hereinafter "MFD"), is a company in the State of Missouri which may be sued and served through Dr. Chris McKowen, 2025 S. Stewart, Springfield, Missouri 65804.
3. Plaintiff was employed as a Dental Hygienist for Defendant MFD.
4. Plaintiff received no/zero written reprimands, counseling or writing alleging any failure of performance of the duties of her position.
5. Dr. Ray McKowen was a supervisor of Plaintiff.
6. Starting in 2012, Dr. Ray McKowen made statements targeting and harassing Plaintiff as an older employee of Defendant MFD. Throughout the tenure of

Plaintiff's employment with Defendant, Dr. Ray McKowen engaged in age related harassment, including, but no limited to, Dr. Ray McKowen continuously made statements, jokes and comments, which were derogatory and degrading towards Plaintiff and her age.

7. Around September 2017 and continuing in conduct through the filing of the Charge of Discrimination herein (conduct inclusive of acts within 300 days of the filing of the Charge), Dr. Ray McKowen engaged in age discrimination including statements made towards Plaintiff, such as:

- a. Making statements of age related stereotypes, including "old hag";
- b. Calling Plaintiff, "worthless" and "stupid";
- c. Dr. Ray McKowen made insulting age related comments in front of patients;
- d. Dr. Ray McKowen called Plaintiff a "liar".

8. In addition to his statements, Dr. Ray McKowen engaged in other acts of age discrimination, including, but not limited to:

- a. Assigning only Plaintiff the worst cleaning tasks;
- b. Requiring Plaintiff to complete tasks younger employees failed to complete;

9. Plaintiff voiced opposition to age discrimination making it clear to Dr. Ray McKowen that he treated Plaintiff differently because of her age.

10. Defendant MFD terminated Plaintiff on April 20, 2018.

11. Plaintiff having voiced opposition to age discrimination was a causal factor to Plaintiff's termination.

COUNT I – AGE DISCRIMINATION/RETALIATION

COMES NOW Plaintiff and for Count I, states:

12. Incorporate herein the General Allegations.
13. Plaintiff is an ‘employee’ within the meaning of Title VII, 42 U.S.C. Sec. 2000e, et seq.
14. Defendant is an ‘employer’ within the meaning of Title VII, 42 U.S.C. §2000e, et seq.
15. With respect to the unlawful employment practices, a Charge of Discrimination was filed with the Equal Opportunity Commission (as dual filed with the Missouri Commission of Human Rights). Attached hereto **Exhibit A** is a true and accurate copy of the Charge of Discrimination made part hereof by reference as to the facts set forth therein.
16. With respect to the Charge of Discrimination, Plaintiff was issued a Right to Sue letter by the EEOC, informing her of her right to pursue independent legal action and this action is filed in a timely manner within 90 days of receipt of the Right to Sue. Attached hereto **Exhibit B** is a true and accurate copy of the Right to Sue.
17. Defendant engaged in unlawful employment practices, as set forth herein, against Plaintiff in violation of Title VII 42 U.S.C. Sec. 2000e-3, *et seq* in that Plaintiff was subject to age discrimination which Defendant was aware of and failed to stop or prevent.
18. Defendant MFD’s actions, as set forth herein, were discriminatory, continuous, arbitrary and capricious and Defendant Reliable knew such actions were unlawful. The actions of Defendant Reliable were intentional, willful and calculated toward Plaintiff and constituted willful violations of Title VII, 42 U.S.C. 2000e-3, *et seq*.

19. Plaintiff has been monetarily damaged by Defendant MFD's unlawful practices in violation of Title VII, 42 U.S.C. 2000e, *et seq.*, and has also suffered physical and mental pain, anguish and distress.

WHEREFORE, Plaintiff prays the Court:

- A. Adjudge and decree that Defendant MFD discriminated/age against Plaintiff, and that said actions by Defendant Reliable were willful violations of the Act;
- B. Order Defendant Reliable to make Plaintiff whole for the loss of income she has suffered as a result of Defendant MFD's unlawful employment practices, including back pay from the time of the unlawful discrimination, wage increases and reimbursement of any lost fringe benefits, Social Security contributions, front pay, and all other monetary compensation, including prejudgment interest, for injuries and damages suffered by Plaintiff;
- C. Award Plaintiff attorney's fees, costs and all other relief afforded under Title VII, 42 U.S.C. 2000e, *et seq.*, and;
- D. For all other relief the Court deems just and proper.

JURY DEMAND

Plaintiff requests a trial by jury.

/s/Jay Kirksey

Jerry M. (Jay) Kirksey

Missouri Bar No. 38643

Attorney for Plaintiff

KIRKSEY LAW FIRM, L.L.C.

711 S. Albany Avenue

Bolivar, Missouri 65613-2619

Telephone 417.326.4529

Facsimile 417.326.8531

jmkirksey@kirkseylawfirm.com